



US Army Corps  
of Engineers  
Seattle District

# Public Notice of Application for Permit

Regulatory Branch  
Post Office Box 3755  
Seattle, Washington 98124-3755  
Telephone (206) 764-3495  
ATTN: Randel Perry, Project Manager

Public Notice Date: 7 September 2004  
Expiration Date: 7 October 2004  
Reference: 200400879  
Name: South Church, LLC

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Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - South Church, LLC  
2723 Douglas Road  
Ferndale, Washington 98248-8907  
Telephone: (360) 592-2678

AGENT - Storm Property Development  
4757 Mosquito Lake Road  
Deming, Washington 98244-9301  
ATTN: Mr. Steve Storm  
Telephone: (360) 303-3326

LOCATION - In wetlands adjacent to Schell Ditch at Ferndale, Whatcom County, Washington.

WORK - Place fill into 3.68 acres of palustrine emergent wetlands to enable construction of a single-family residence subdivision and attendant facilities.

PURPOSE - Provide single-family residential housing for the Ferndale area.

MITIGATION - Applicant proposes to create 2.70 acres of wetlands on-site; enhance 4.29 acres of on-site wetlands; and enhance fish habitat (via large woody debris and rearing pools) in Schell Ditch.

ENDANGERED SPECIES - The Endangered Species Act of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The bald eagle (*Haliaeetus leucocephalus*) listed threatened; marbled murrelet (*Brachyramphus marmoratus*), listed threatened; Coastal/Puget Sound bull trout (*Salvelinus confluentus*) listed threatened; Puget Sound chinook salmon (*Oncorhynchus tshawytscha*) listed threatened; may occur in the proposed project area. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to these species.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, groundfish, and coastal pelagic species occurs downstream of the project area.

If the Corps determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES - The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The Corps has no record of historic and/or cultural resource sites in the permit area.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

ADDITIONAL EVALUATION – The State of Washington is reviewing this work for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

The City of Ferndale is the local government entity processing an application for a Shorelines Substantial Development permit for this project.

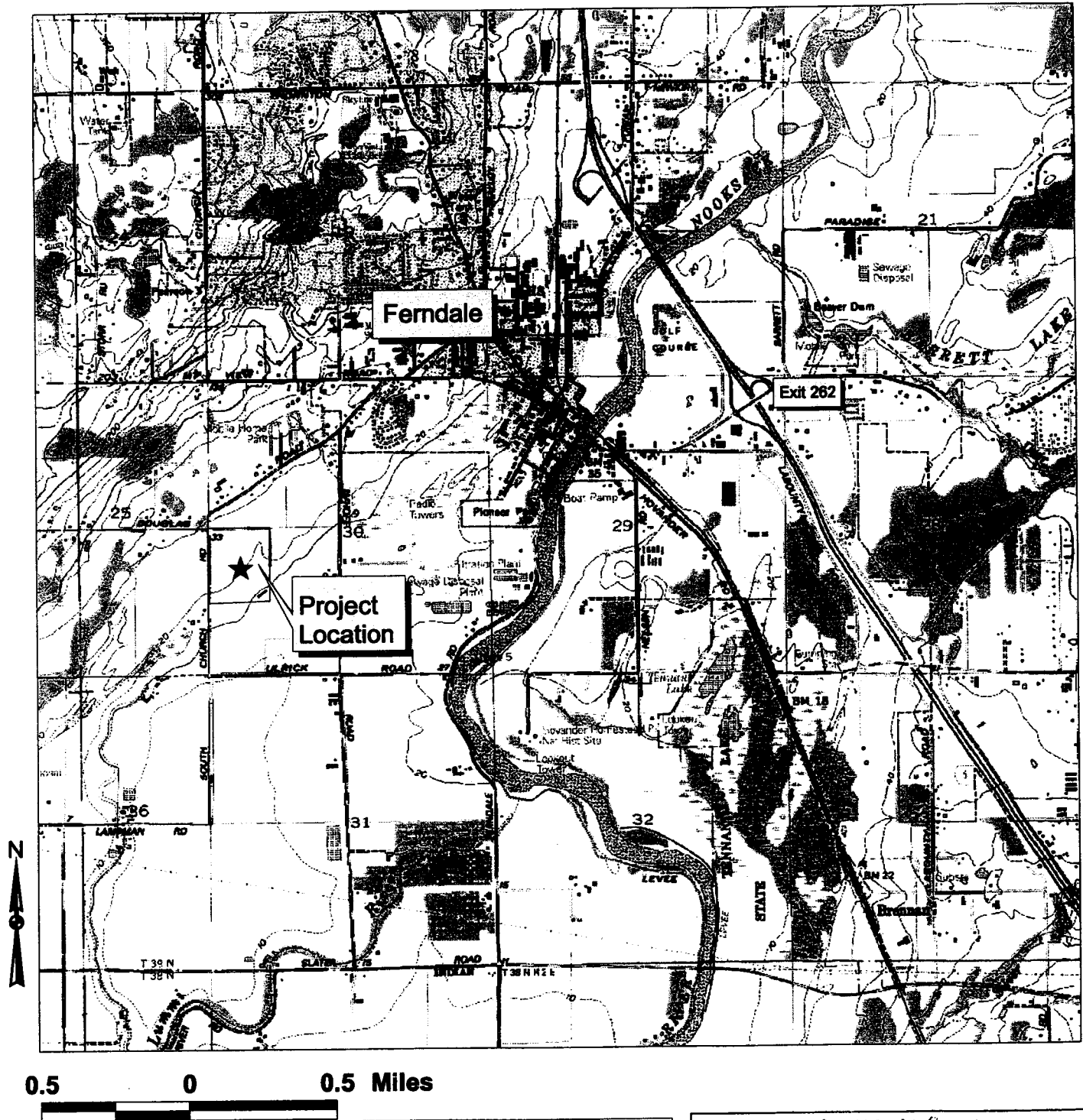
200400879, South Church, LLC

COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to [Randel.J.Perry@nws02.usace.army.mil](mailto:Randel.J.Perry@nws02.usace.army.mil). Conventional mail comments should be sent ATTN: Randel Perry, Project Manager, Regulatory Branch. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

South Church, LLC  
200400879

Encl  
Drawings (8)

# Vicinity Map South Church Road Property



## Directions From Seattle:

- I-5 North to exit 262
- Turn right off exit on to Main St.
- Go straight thru town
- Turn left on Douglas Road
- Bear right at stop sign
- Turn to left onto S Church
- Park on gravel stub east of Douglas Rd

Corps Ref. #: 200400879

Purpose: To construct subdivision

Proposed: Wetland fill

Adjacent To: Stream

In: Wetlands

At: Ferndale (NW 1/4, SW 1/4, S30, T39N, R2E)

County: Whatcom State: WA

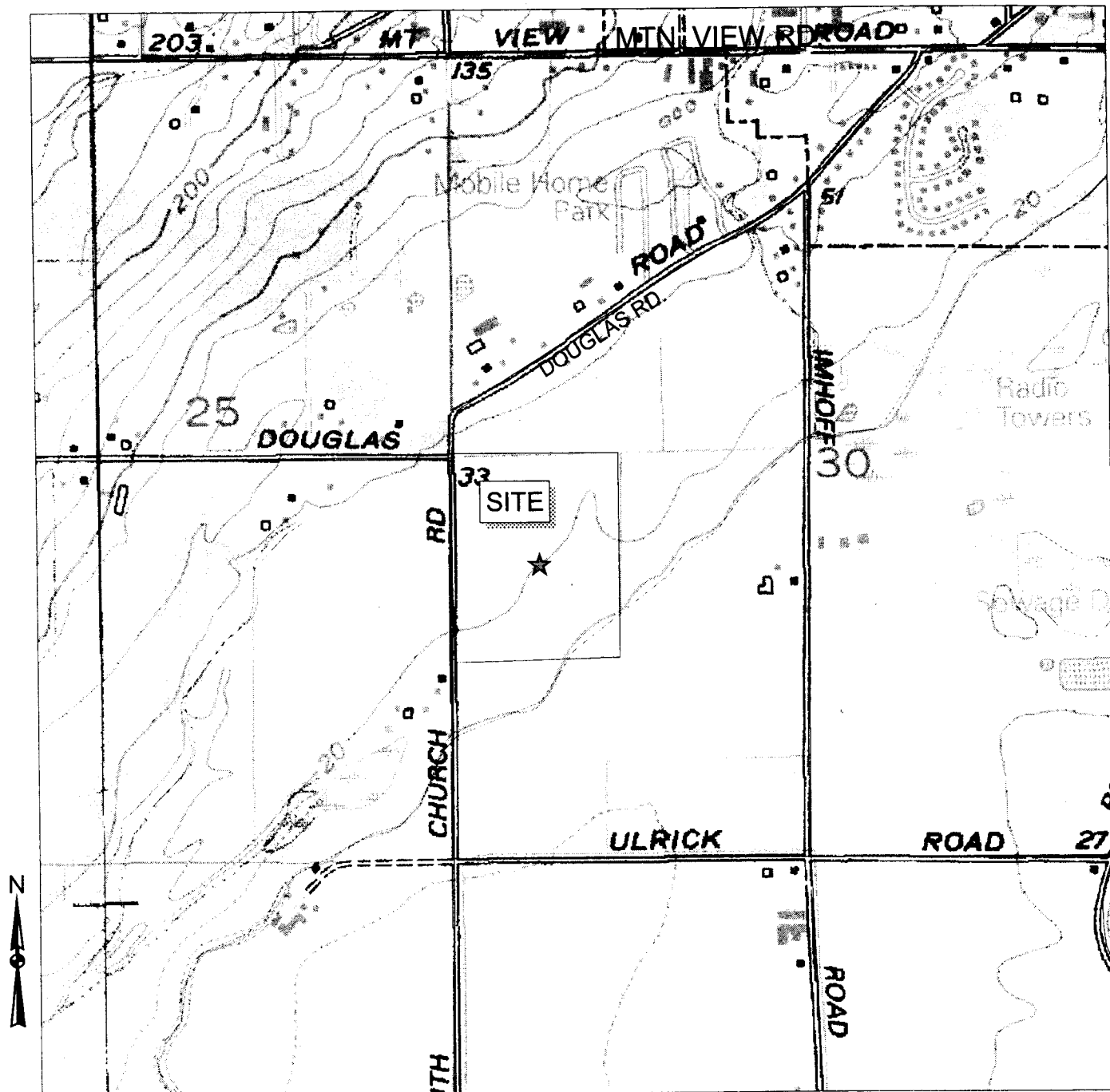
Applicant: South Church LLC

Sheet 1 of 8

6/23/04

**CAi Cantrell**  
& Associates, Inc.

# Topography Map (USGS) S. Church Road Property



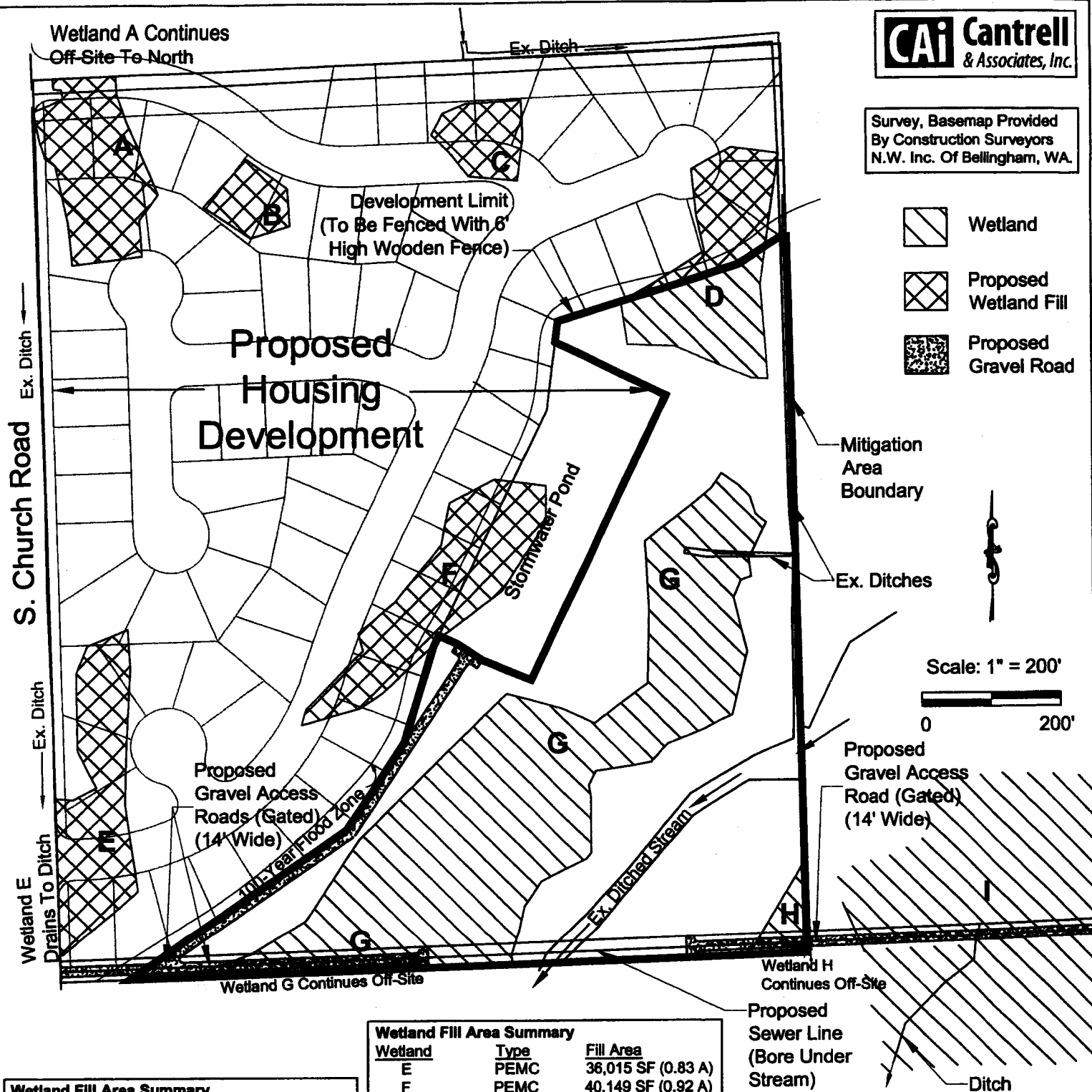
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**CAi Cantrell**  
& Associates, Inc.

Directions From Seattle:  
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 - Turn right off exit on to Main St.  
 - Go straight thru town  
 - Turn left on Douglas Road  
 (at corner of Pacific Prime Rib)  
 - Bear right at stop sign  
 - Turn to left onto S Church  
 - Park on gravel stub east of Douglas Rd

Corps Ref. #: 2004 00879  
 Purpose: To construct subdivision  
 Action: Proposed wetland fill  
 Adjacent to: Tributary to Lummi (Red) River  
 In: Ferndale  
 County: Whatcom State: WA  
 Application by: South Church LLC  
 Sheet 2 of 8  
 6/23/04

Survey, Basemap Provided  
By Construction Surveyors  
N.W. Inc. Of Bellingham, WA.



Wetland Fill Area Summary		
Wetland	Type	Fill Area
A	PEMC	31,599 SF (0.72 A)
B	PEMC	8,605 SF (0.20 A)
C	PEMC	11,993 SF (0.28 A)
D	PEMC	19,174 SF (0.44 A)

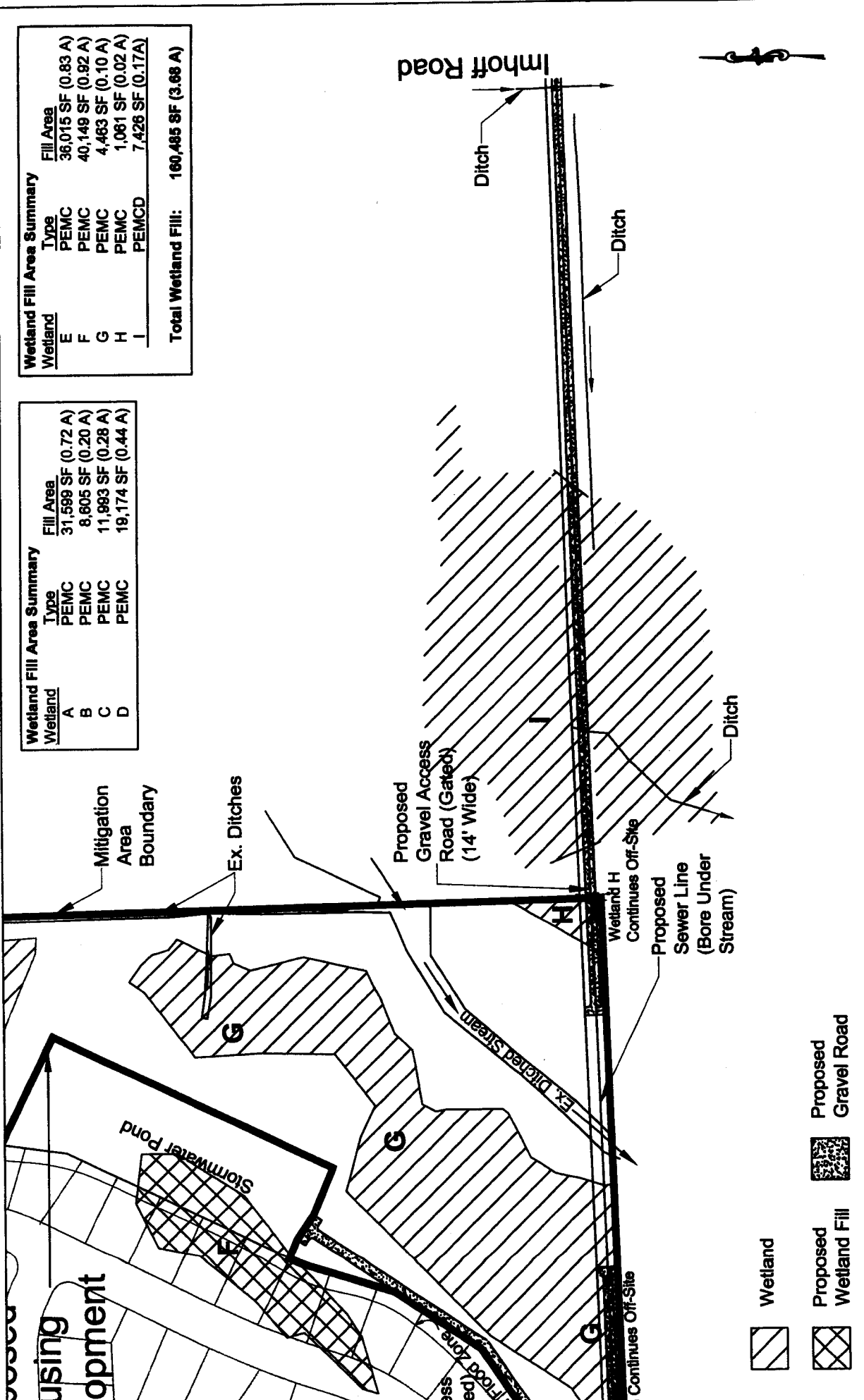
Wetland Fill Area Summary		
Wetland	Type	Fill Area
E	PEMC	36,015 SF (0.83 A)
F	PEMC	40,149 SF (0.92 A)
G	PEMC	4,463 SF (0.10 A)
H	PEMC	1,061 SF (0.02 A)
I	PEMCD	7,426 SF (0.17A)
Total Wetland Fill:		160,485 SF (3.68 A)

**Plan View: Proposed Subdivision Layout**

CORPS REFERENCE NO.: 200400879  
PURPOSE: To Construct Subdivision  
DATUM: NGVD 1929  
JOB ADDRESS: S. Church Rd at Douglas Road  
APPLICATION BY: South Church LLC  
MAILING ADDRESS: 2723 Douglas Road  
Femdale, WA 98248

PROPOSED: Wetland Fill  
IN: Wetlands  
ADJACENT TO: Stream  
AT: Femdale (NW 1/4, SW 1/4, S30, T39N, R2E)  
COUNTY: Whatcom  
STATE: Washington  
SHEET: 3 of 8 DATE: 6/23/04

Drawn By: JDL



**Wetland Fill Area Summary**

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A	PEMC	31,599 SF (0.72 A)
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**Total Wetland Fill: 160,485 SF (3.68 A)**

- Wetland
- Proposed Wetland Fill
- Proposed Gravel Road

**Plan View: Sewer Access Road (Off-Site)**

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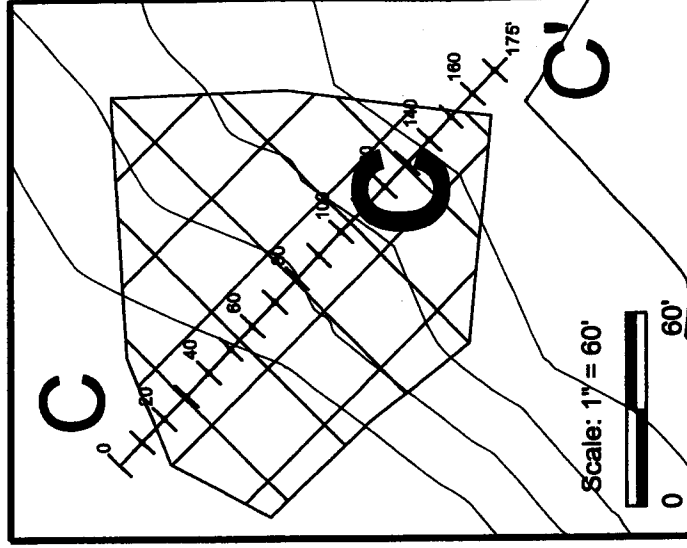
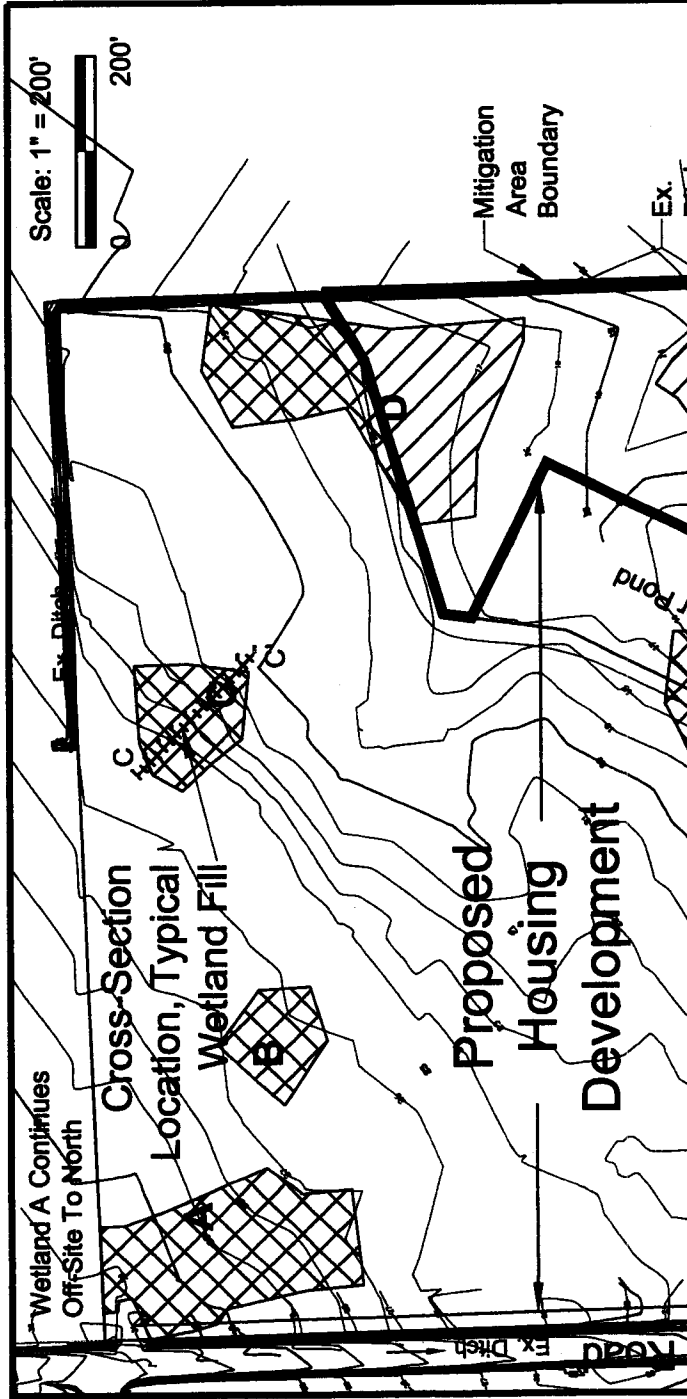
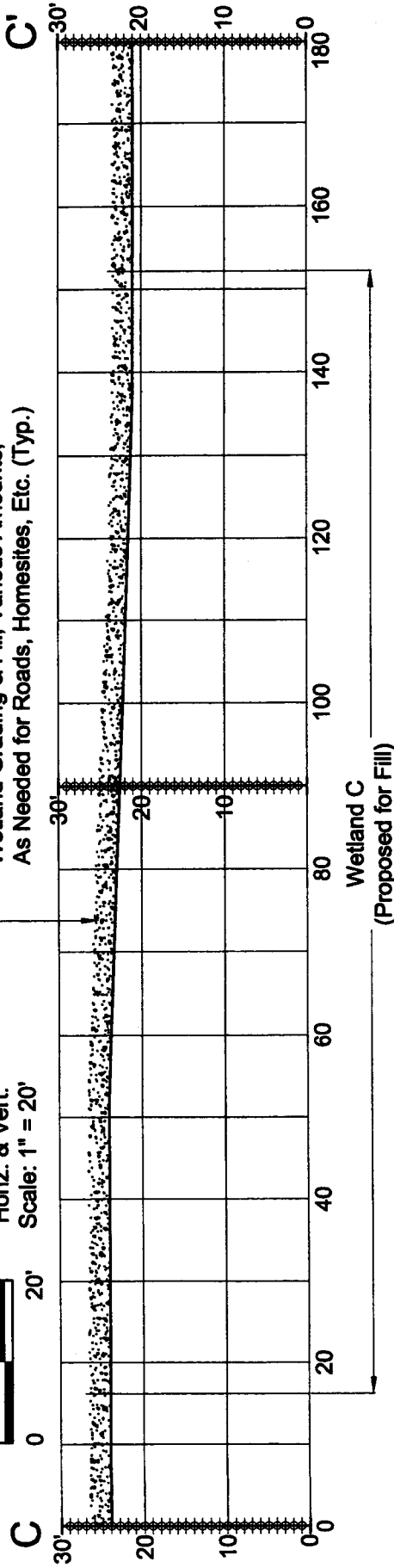
Drawn By: JDL

Scale: 1" = 200'



Horiz. & Vert.  
Scale: 1" = 20'

Wetland Grading & Fill, Various Amounts,  
As Needed for Roads, Homesites, Etc. (Typ.)



Cross-Sectional View: Section C (Wetland Fill, Typical)

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Ferndale, WA 98248

Drawn By: JDL

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IN: Wetlands

ADJACENT TO: Stream

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COUNTY: Whatcom

STATE: Washington

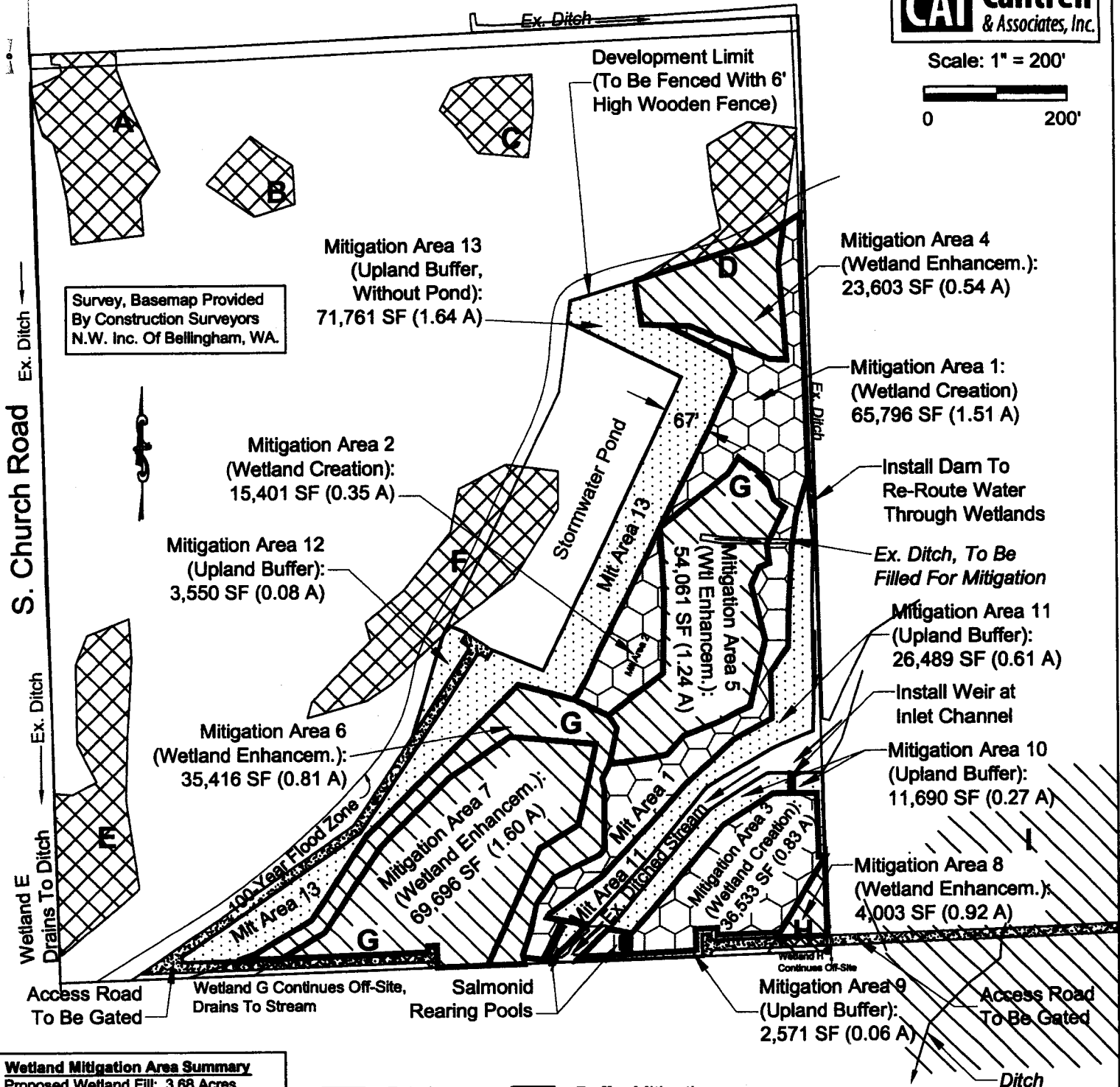
SHEET: 5 of 8 DATE: 6/23/04

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& Associates, Inc.



Scale: 1" = 200'

0 200'


**Wetland Mitigation Map**

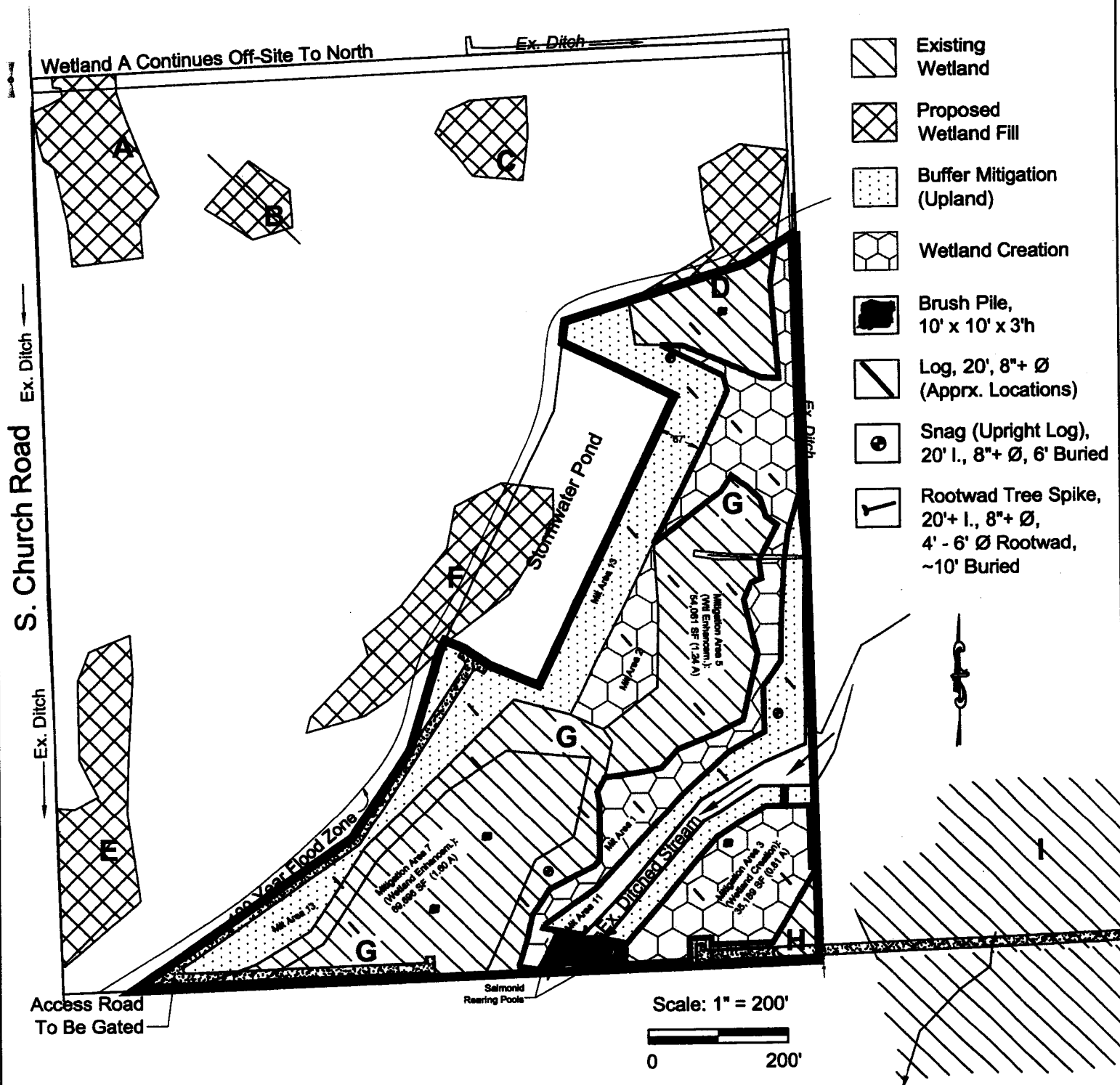
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 ADJACENT TO: Tributary To Lummi (Red) River  
 AT: Ferndale (NW 1/4, SW 1/4, S30, T39N, R2E)  
 COUNTY: Whatcom  
 STATE: Washington  
 SHEET: 6 of 8 DATE: 6/23/04

Drawn By: JDL

Survey, Base Map Provided  
By Construction Surveyors  
N.W. Inc. Of Bellingham, WA.

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**Habitat Enhancements, Mitigation Area: Entire View**

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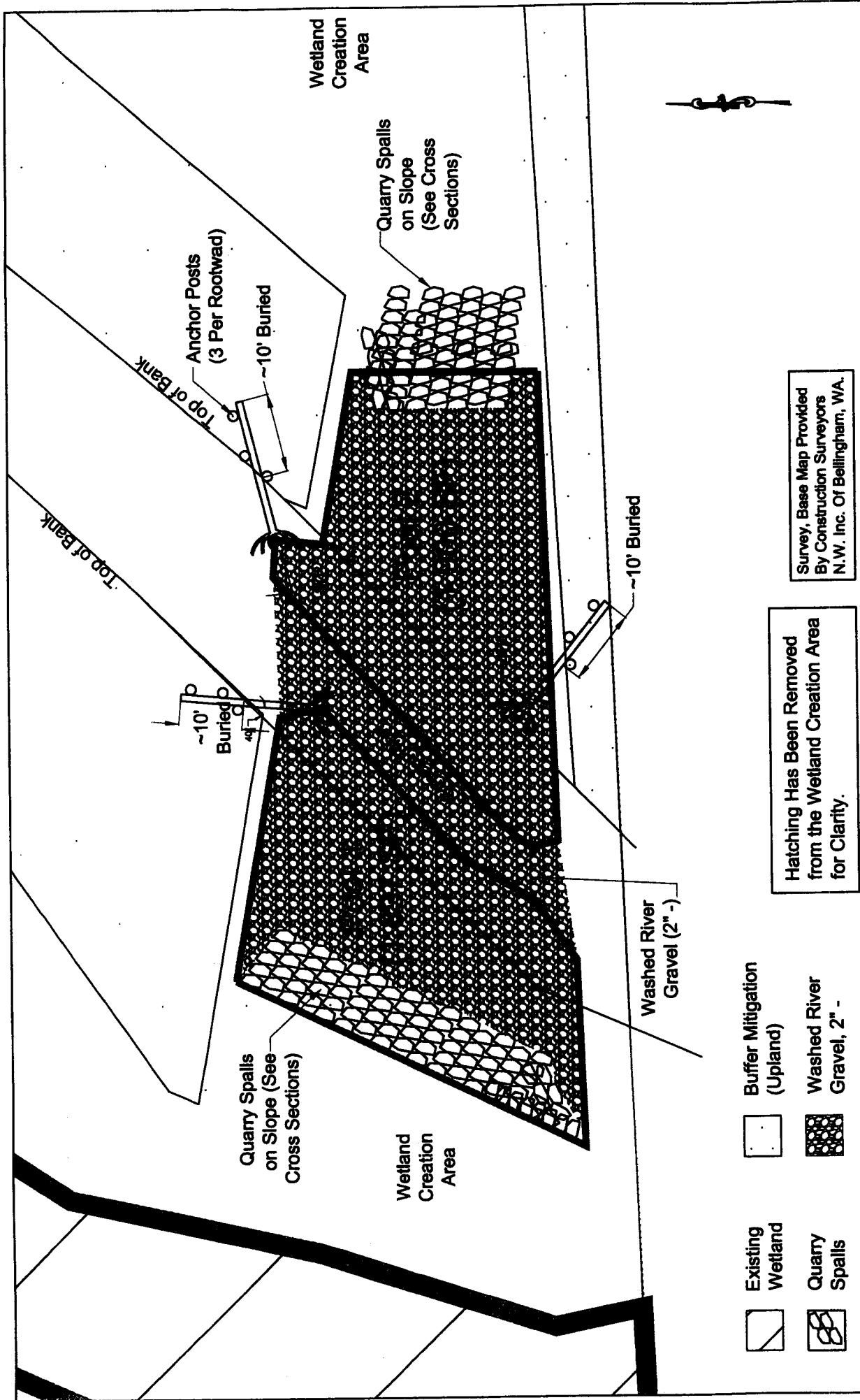
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COUNTY: Whatcom

STATE: Washington





SHEET: 2 of 8 DATE: 6/23/04

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Survey, Base Map Provided  
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N.W. Inc. Of Bellingham, WA.

Hatching Has Been Removed  
from the Wetland Creation Area  
for Clarity.

-  Existing Wetland
-  Quarry Spalls
-  Buffer Mitigation (Upland)
-  Washed River Gravel, 2" -

Habitat Enhancements, Mitigation Area: In-Stream Rootwads

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ADJACENT TO: Stream

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COUNTY: Whatcom

STATE: Washington

SHEET: 8 of 8 DATE: 6/23/04

Scale: 1" = 20'



**CAI Cantrell**  
& Associates, Inc.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600  
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006*

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Notice of Application for  
Water Quality Certification  
and for  
Certification of Consistency with the  
Washington Coastal Zone Management Program

Date: September 7, 2004

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200400879 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator  
Department of Ecology  
SEA Program  
Post Office Box 47600  
Olympia, Washington 98504-7600